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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,770	10/30/2001	Klaus A. Wieder	1078.007	3922

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EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,770	Applicant(s) WIEDER, KLAUS A.	
	Examiner Emmanuel S. Luk	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-70 and 74-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-70 and 74-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/8/02 and 7/3/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 51-64 and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani (5788872) in view of Wagner et al (4684101).

Uratani teaches the claimed ejector pin having a head (5) disposed at the end of a barrel (3), an indicia imprinted insert (41) is located in a cup (31) at the end of the barrel opposite the end with the head. The head can also be threadably received (33) in the barrel (Fig. 5). Uratani teaches a plurality of notches on a side wall (10) and coupling ring (9) with a pair of radial extending circumferentially spaced apart projections (91,92) and an upraised sidewall (6,10). The sidewall having a projection (102) that extends into a groove (32,34) of the barrel (3).

The length of the barrel is "capable" of being cut, in as much as anything is capable of being cut to be short.

Uratani fails to teach the soft and hardened portions and the head having two arms with fastener and the coupling ring having a projection that extends into the barrel of the groove.

Wagner teaches two separate elements, a head (136; pin) and a barrel (130). The head is fastened to the end of the barrel via two arms (118). A fastener is located at the end of the head (124) to secure the head. The shape of the arms secures the barrel to the head, additionally, multiple arms (168,172) clamps the barrel. The pin itself acts as fasteners between the arms for clamping. It would have been obvious to one of ordinary skill in the art to modify Uratani with arms as taught by Wagner because it allows the head to be fastened to the barrel.

In regards to the soft and hardened portions, the hardness of a material may vary depending on the processing techniques of the material during construction. The soft portion of the barrel so it can be cut during the process of making the apparatus and does not limit the structural limitation of the apparatus. The hard/soft features are not positively recited in the claimed apparatus.

In regards to claims 58-63, Uratani teaches the structural elements claimed except that the locator projection on the coupling ring does not enter a groove on the barrel and instead the sidewall has the projection. It would have been obvious to one of ordinary skill in the art to modify Uratani with the projection to be placed on the coupling ring because it would help prevent the sidewall from rotation.

In regards to the head and barrel being reciprocal relative to the mold. It is unclear whether head and barrel is a combination/subcombination with the mold. Examiner has deemed it a subcombination.

4. Claims 65-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani (5788872) in view of Wagner (4684101) as applied to claims 51-64 and 74-76, and further in view of Schroder (DE 19701025 A1) and Kuhling (4708314).

Uratani teaches the claimed ejector pin having a head (5) disposed at the end of a barrel (3), an indicia imprinted insert (41) is located in a cup (31) at the end of the barrel opposite the end with the head. The head can also be threadably received (33) in the barrel (Fig. 5).

The length of the barrel is "capable" of being cut, in as much as anything is capable of being cut to be short.

Uratani fails to teach welding, fastener, a pocket in the head and locator flats.

In regards to welding, this is making the elements integral via the welds. It would have been obvious to one of ordinary skill in the art to modify Uratani with welding the head to the barrel because it is making the elements integral and is a choice of design. In re Larson et al, 144 USPQ 347. Additionally, Schroder teaches a barrel (11) having a head (54), a welding (55) at the point between the barrel and head to prevent rotation. It would have been obvious to one of ordinary skill in the art to modify Uratani with the welding as taught by Schroder because it seals the head with the barrel.

In regards to the locator flat and fastener, Kuhling teaches an apparatus having a barrel (19) and head (26) located at one end of the barrel. To prevent rotation, the barrel having a locator flat and the barrel also having a complementary flat (31), while a spacing member acts as a fastener (30) is located in between.

It would have been obvious to one of ordinary skill in the art to modify Uratani with a locator flats and fasteners as taught by Kuhling because it would prevent the rotation between the barrel and head.

The concept of the barrel entering mounted into the pocket of a head is shown by Wagner et al where a piece (140) enters a pocket (132) formed by the barrel (130). Any rotation by either element would be prevented due to the shape of the pocket. It would have been obvious to one of ordinary skill in the art to modify Uratani with a pocket as taught by Wagner et al because it would fasten the head to the barrel and prevent rotation.

5. Claims 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani (5788872) in view of Wagner (4684101), Schroder (DE 19701025 A1) and Kuhling (4708314).

Uratani teaches the claimed ejector pin having a head (5) disposed at the end of a barrel (3), an indicia imprinted insert (41) is located in a cup (31) at the end of the barrel opposite the end with the head. The head can also be threadably received (33) in the barrel (Fig. 5). Uratani teaches a plurality of notches on a side wall (10) and coupling ring (9) with a pair of radial extending circumferentially spaced apart

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projections (91,92) and an upraised sidewall (6,10). The sidewall having a projection (102) that extends into a groove (32,34) of the barrel (3).

The length of the barrel is "capable" of being cut, in as much as anything is capable of being cut to be short.

Uratani fails to teach the soft and hardened portions, welding, fastener and locator flats.

Wagner teaches two separate elements, a head (136; pin) and a barrel (130). The head is fastened to the end of the barrel via two arms (118). A fastener is located at the end of the head (124) to secure the head. The shape of the arms secures the barrel to the head, additionally, multiple arms (168,172) clamps the barrel. The pin itself acts as fasteners between the arms for clamping. It would have been obvious to one of ordinary skill in the art to modify Uratani with arms as taught by Wagner because it allows the head to be fastened to the barrel.

In regards to the soft and hardened portions, the hardness of a material may vary depending on the processing techniques of the material during construction. The soft portion of the barrel so it can be cut during the process of making the apparatus and does not limit the structural limitation of the apparatus. The hard/soft features are not positively recited in the claimed apparatus.

In regards to welding, this is making the elements integral via the welds. It would have been obvious to one of ordinary skill in the art to modify Uratani with welding the head to the barrel because it is making the elements integral and is a choice of design. In re Larson et al, 144 USPQ 347. Additionally, Schroder teaches a barrel (11) having a

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It would have been obvious to one of ordinary skill in the art to modify Uratani with a locator flats and fasteners as taught by Kuhling because it would prevent the rotation between the barrel and head.

Response to Arguments

6. Applicant's arguments filed 1/8/2004 have been fully considered but they are not persuasive. The applicant's argument concerning the head and barrel being reciprocal in a mold has been considered. However, the claims fail to positively state a mold and it thus it can be a combination/subcombination of the structures either only the head and barrel feature or the entire mold apparatus. However, applicants have consistently claimed an injector pin for a mold in the preamble implying intended use of the injector pin. The applicants consistently argue about the material composition of the barrel of the pin and its importance for cutting the barrel to size. However, this cutting of the barrel has no bearing for a structural claim limitation. The applicant's argument of the harder and softer portion does not positively claim any structural limitation, just stating

one portion is harder or softer than another without any material point of relevance or composition.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 7 to 4 and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL


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